

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TROY D. NEWTON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05CV1126-SRW
)	
NATIONAL WARRANTY OF FLORIDA,)	
INC., et al.,)	
)	
Defendants.)	

ORDER

Upon consideration of the notice of removal and attached exhibits and the pleadings, motions and responses filed in this action, it is

ORDERED that defendant Ronald Becker is DISMISSED from this action as fraudulently joined.¹

It is further ORDERED that plaintiff's claims against defendants Chisam and Centro Inspection Agency are DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a) and plaintiff's response (Doc. # 9) to the pending motions to dismiss, which the court construes as a notice of dismissal as to these defendants.

It is further ORDERED that the motions to dismiss filed by Chisam, Centro Inspection Agency and Becker are DENIED as MOOT.

DONE, this 3rd day of February, 2006.

¹ Plaintiff apparently concurs that this court has subject matter jurisdiction and that the action was properly removed to this court. See Doc. # 9.

/s/ Susan Russ Walker

SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE